

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION

KYMBERLY HOBBS,  
ADMINISTRATOR OF THE ESTATE  
OF CHARLES JAMES GIVENS,  
DECEASED,

Plaintiff,

V.

ANTHONY RAYMOND KELLY, et al.,

Defendants.

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Case No. 1:23cv00003

## OBJECTIONS TO PLAINTIFF'S PRETRIAL DISCLOSURES

Pursuant to Fed. R. Civ. P. 26(a)(3)(B), Defendants, Anthony Kelly, Gregory Plummer, Joshua Jackson and William Montgomery, by counsel, object to the pretrial disclosures of plaintiff, Dkt. No. 181, on the following grounds:

## I. WITNESSES

1. *Edwin Catron*. Defendants object to Edwin Catron on the grounds of hearsay.
2. *Debbie Douglas*. Defendants object to Debbie Douglas on the grounds of hearsay
3. *Special Agent Heath Seagle*. Defendants object to Special Agent Heath Seagle on the grounds of hearsay.

4. *Dr. Jesse Shirki.* Defendants object to Dr. Shirki for the reasons stated in its motion to exclude experts, Dkt. Nos. 116, 117, 153. Defendants also objects to testimony on any subjects in its motion in limine, Dkt. Nos. 178, 179, and any testimony excluded by the Court in its memorandum opinion and order, Dkt. No. 177.

5. *Dr. William Oliver.* Defendants object to Dr. Oliver for the reasons stated in its motion to exclude experts, Dkt. Nos. 116, 117, 153. Defendants also objects to testimony on any subjects in its motion in limine, Dkt. Nos. 178, 179, and any testimony excluded by the Court in its memorandum opinion and order, Dkt. No. 177.

6. *Witnesses for foundation, authentication, impeachment, or rebuttal.* Defendants object to testimony on any subjects in its motion in limine, Dkt. Nos. 178, 179, and any testimony excluded by the Court in its memorandum opinion and order, Dkt. No. 177. Defendants reserve the right to object when the witnesses are identified.

7. *Any witness disclosed or identified by plaintiff.* Defendants object to testimony on any subjects in its motion in limine, Dkt. Nos. 178, 179, and any testimony excluded by the Court in its memorandum opinion and order, Dkt. No. 177. Defendants reserve the right to object when the witnesses are identified.

## II. EXHIBITS

P.3 Guardianship Order	Defendants object to the exhibit on the grounds of hearsay.
P.4 Qualification as Administrator	Defendants object to the exhibit on the grounds of hearsay.

P.5A-E Audio excerpts from Catron phone calls	Defendants object to the exhibits on the grounds of hearsay.
P.6 Debbie Douglas and Kym Hobbs texts	Defendants object to the exhibit on the grounds of hearsay.
P.7 Debbie Douglas and Kym Hobbs phone call	Defendants object to the exhibit on the grounds of hearsay.
P.8A Debbie Douglas and Kym Hobbs voicemail	Defendants object to the exhibit on the grounds of hearsay.
P.8B Emails between and/or among O'Der, Douglas and the Governor's Office	Defendants object to the exhibit on the grounds that it was untimely filed and on the grounds of hearsay.
P.9 VDOC Disciplinary Offense Report	Defendants object to the exhibit on the grounds of hearsay.
P.17 Letter to Kym Hobbs	Defendants object to the exhibit on the grounds of hearsay.
P.21 Town of Marion, Marion Fire/EMS Patient Care Record	Defendants object to the exhibit on the grounds of hearsay.
P.23 VDOC Health Services Consultation Report	Defendants object to the exhibit on the grounds of hearsay.
P.24 VDOC Internal Incident Report	Defendants object to the exhibit on the grounds of hearsay.
P.25 VDOC Incident Report	Defendants object to the exhibit on the grounds of hearsay.
P.26 Special Investigations Unit Marion Correctional Treatment Center Incident Report	Defendants object to the exhibit on the grounds of hearsay.
P.27 Virginia State Police Investigative Report – File No. 22-2333	Defendants object to the exhibit on the grounds of hearsay.

P.28 VDOC Organizational Chart	Defendants object to the exhibit on the grounds of hearsay.
P.29 VDOC Memorandum, Report of Investigation – #180213MAR – (FINAL)	Defendants object to the exhibit on the grounds of hearsay.
P.30 Emails with Stephanie Kennedy, Annasue Cook	Defendants object to the exhibit on the grounds of hearsay.
P.31 VDOC Employee Work Profile Work Description and Performance Plan	Defendants object to the exhibit on the grounds of hearsay.
P.32 VDOC Health Services Consultation Report, handwritten medical notes, Physicians Progress Notes, QMC Consultation Request, Interdisciplinary Progress Notes, Disciplinary Actions, Offender Summary Report, Face Sheet, Death Notice, Clinical Report	Defendants object to the exhibits on the grounds of hearsay.
P.33 Virginia State Police Investigative Report – File No. 22-2333	Defendants object to the exhibit on the grounds of hearsay.
P.36 VDOC Incident Report	Defendants object to the exhibit on the grounds of hearsay.
P.52 VDOC Health Services Complaint and Treatment Form, SISP	Defendants object to the exhibit on the grounds of hearsay.
P.53 VDOC Interdisciplinary Progress Notes (MCTC 41)	Defendants object to the exhibit on the grounds of hearsay.
P.54 VDOC Interdisciplinary Progress Notes (MCTC 41)	Defendants object to the exhibit on the grounds of hearsay.
P.55 VDOC Officer’s Log Sheet	Defendants object to the exhibit on the grounds of hearsay.
P.56 VDOC Interdisciplinary Progress Notes (MCTC 41)	Defendants object to the exhibit on the grounds of hearsay.

P.57 VDOC Interdisciplinary Progress Note	Defendants object to the exhibit on the grounds of hearsay.
P.58 VDOC Physicians Progress Notes (MCTC 36)	Defendants object to the exhibit on the grounds of hearsay.
P.59 Office of Health Services Wound Assessment	Defendants object to the exhibit on the grounds of hearsay.
P.60 Medical Cell Logbook	Defendants object to the exhibit on the grounds of hearsay.
P.62 VDOC Physicians Progress Notes (MCTC 36)	Defendants object to the exhibit on the grounds of hearsay.
P.68A-K Grand Jury Testimony	Defendants object to the exhibits on the grounds of hearsay.
P. 84 – Affidavit of Ronald Danny West	Defendants object to the exhibit on the grounds of hearsay.
P.87 Medical Cell Logbook	Defendants object to the exhibit on the grounds of hearsay.
P.88 Emails with Everett Jones, Kimberly Olinger, Terry Richards, Anita E. Call, Bridgett Ford, Tammy R. Jones, William Fields	Defendants object to the exhibit on the grounds of hearsay.
P.89 Physician Documentation, Smyth County Community Hospital	Defendants object to the exhibit on the grounds of hearsay.
P.90 Email from Tammy R. Jones to Mark Larsen, Laura Campbell	Defendants object to the exhibit on the grounds of hearsay.
P.91 MCTC Medical Pill Call Logbook	Defendants object to the exhibit on the grounds of hearsay.
P.95 Handwritten Medical Notes	Defendants object to the exhibit on the grounds of hearsay.

P.96 JMH Progressive Care Inpatient Record	Defendants object to the exhibit on the grounds of hearsay.
P.97 VDOC Incident Report	Defendants object to the exhibit on the grounds of hearsay.
P.99 Logbook, 1-C B-Break	Defendants object to the exhibit on the grounds of hearsay.
P.101 VDOC Physicians Progress Notes (MCTC 36)	Defendants object to the exhibit on the grounds of hearsay.
P.102 VDOC Internal Incident Report	Defendants object to the exhibit on the grounds of hearsay.
P.103 SCCH Emergency Inpatient Record	Defendants object to the exhibit on the grounds of hearsay.
P.104 SCCH Emergency Inpatient Record, ED Notes - ED Notes	Defendants object to the exhibit on the grounds of hearsay.
P.105 VDOC Internal Incident Report	Defendants object to the exhibit on the grounds of hearsay.
P.106 SCCH Med/Surg Inpatient Record, ED Notes - ED Notes	Defendants object to the exhibit on the grounds of hearsay.
P.107 SCCH Med/Surg Inpatient Record	Defendants object to the exhibit on the grounds of hearsay.
P.109 VDOC Physicians Progress Notes (MCTC 36)	Defendants object to the exhibit on the grounds of hearsay.
P.110 VDOC Officer's Log Sheet	Defendants object to the exhibit on the grounds of hearsay.
P.111 Emails with Everett Jones, Kimberly Olinger, Terry Richards, Anita	Defendants object to the exhibit on the grounds of hearsay.

Call, Bridgett Ford, Tammy Jones, William Fields	
P.112 Emails with Tammy R. Jones, Mark S. Amonette, Meredith R. Cary	Defendants object to the exhibit on the grounds of hearsay.
P.113 Emails with Kimberly Olinger, Tammy Jones, Ann Horst, Cynthia Lester, James L. Brown, James Lee, Bridgett Ford, Corena Reedy	Defendants object to the exhibit on the grounds of hearsay.
P.115 VDOC Interdisciplinary Progress Notes (MCTC 41)	Defendants object to the exhibit on the grounds of hearsay.
P.116 Emails from Brian Davis to George Berry forwarding email from Daniel K. Roland	Defendants object to the exhibit on the grounds of hearsay.
P.117 CO Cox written statement	Defendants object to the exhibit on the grounds of hearsay.
P.119 Investigative Interview, Robert Johnson	Defendants object to the exhibit on the grounds of hearsay.
P.123 VDOC Interdisciplinary Progress Notes (MCTC 41)	Defendants object to the exhibit on the grounds of hearsay.
P.124 VDOC Interdisciplinary Progress Notes, (MCTC 41)	Defendants object to the exhibit on the grounds of hearsay.
P.129 Nurse's Notes, Smyth County Community Hospital	Defendants object to the exhibit on the grounds of hearsay.
P.130 VDOC Investigative Report File	Defendants object to the exhibit on the grounds of hearsay.
P.131 VDOC Report of Investigation – #180268MAR – FINAL	Defendants object to the exhibit on the grounds of hearsay.
P.132 VDOC Incident Report	Defendants object to the exhibit on the grounds of hearsay.
P.135 Email from George Berry to Johnny Acosta	Defendants object to the exhibit on the grounds of hearsay.

P.139 General Surgery (Free Text Consult) - Consultation Note	Defendants object to the exhibit on the grounds of hearsay.
P.140 Email from Gary Lyons to Scott Brown, George Berry	Defendants object to the exhibit on the grounds of hearsay.
P.142 MCTC Medical Cell Logbook	Defendants object to the exhibit on the grounds of hearsay.
P.143 JMH Progressive Care Inpatient Record	Defendants object to the exhibit on the grounds of hearsay.
P.146 VDOC MCTC Investigations and Intelligence Unit, Institutional Investigative Report	Defendants object to the exhibit on the grounds of hearsay.
P.148 SCCH Emergency Inpatient Record	Defendants object to the exhibit on the grounds of hearsay.
P.149 VDOC Physicians Progress Notes (MCTC 36)	Defendants object to the exhibit on the grounds of hearsay.
P.153 VDOC MCTC Investigations and Intelligence Unit, Institutional Investigative Report	Defendants object to the exhibit on the grounds of hearsay.
P.154 VDOC Physicians Progress Notes (MCTC 36)	Defendants object to the exhibit on the grounds of hearsay.
P.157 Medical Transfer Request Form	Defendants object to the exhibit on the grounds of hearsay.
P.158 Emails with Ann Horst, Anita Call, Cynthia Lester, Daniel K. Roland, Tammy R. Jones, Corena McGhee	Defendants object to the exhibit on the grounds of hearsay.
P.159 Emails with Kimberly Olinger, James L. Brown, Jeffery C. Artrip, Corena McGheel Tammy R. Jones	Defendants object to the exhibit on the grounds of hearsay.
P.160 VDOC Internal Incident Report	Defendants object to the exhibit on the grounds of hearsay.
P.161 VDOC Written Complaint	Defendants object to the exhibit on the grounds of hearsay.



P.162 VDOC Informal Complaint	Defendants object to the exhibit on the grounds of hearsay.
P.163 VDOC Internal Incident Report	Defendants object to the exhibit on the grounds of hearsay.
P.164 VDOC Internal Incident Report	Defendants object to the exhibit on the grounds of hearsay.
P.165 VDOC Written Complaint	Defendants object to the exhibit on the grounds of hearsay.
P.166 MCTC Shift Commanders Office Post Logbook	Defendants object to the exhibit on the grounds of hearsay.
P.167 MCTC SCO Post Logbook	Defendants object to the exhibit on the grounds of hearsay.
P.168 MCTC SCO Post Logbook	Defendants object to the exhibit on the grounds of hearsay.
P.169 MCTC SCO Post Logbook	Defendants object to the exhibit on the grounds of hearsay.
P.170 MCTC SCO Post Logbook	Defendants object to the exhibit on the grounds of hearsay.
P.171 MCTC SCO Post Logbook	Defendants object to the exhibit on the grounds of hearsay.
P.172 MCTC Medical Cell Post Logbook	Defendants object to the exhibit on the grounds of hearsay.
P.173 MCTC 1-B Post Logbook	Defendants object to the exhibit on the grounds of hearsay.
P.174 MCTC 2-B Post Logbook	Defendants object to the exhibit on the grounds of hearsay.

P. 176 – Virginia State Police Polygraph Unit Witness Examination	Defendants object to the exhibit on the grounds of hearsay.
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Respectfully submitted,

ANTHONY RAYMOND KELLY  
GREGORY SCOTT PLUMMER  
JOSHUA RAY JACKSON  
WILLIAM ZACHARY MONTGOMERY

By Counsel

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By s/Cameron S. Bell  
Cameron S. Bell

**CERTIFICATE OF SERVICE**

I hereby certify that on the 24<sup>th</sup> day of March, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

s/Cameron S. Bell  
Cameron S. Bell